

Remarks

Claims 1-3, 5, 8, 12, 14-16 and 18-20 are pending in the application.

Claims 1-3, 5, 8, 12, 14-16 and 18-20 are rejected under 35 USC 103(a) as being unpatentable over Kwan (US Patent No. 6,504,838).

Kwan teaches a system having 4 different modes of operation. When a mode is detected as being voice, data, fax or modem, Kwan enables selected ones of a set of PXDs as needed. See col. 7, lines 5-8 in which PXDs are defined; 49-52 in which the hardware abstraction layer (HAL) is defined; and lines 65-67 in which the HAL interacts with PXDs to port to 'only the affected portions of the HAL to the target hardware.'

Therefore, when the device detects that the signals are for data transmissions (see col. 9, lines 29-34) or whichever mode, only those resources that are needed are enabled, (for an example, see the voice mode description in col. 8, lines 19-25 in which only those resources needed are invoked, including the necessary PXDs through the DSP switchboards 32 or 32').

In the office action, it was stated that "Applicant only argues the 'data transmission mode' wherein Kwan clearly teaches four operational modes.' This language is objected to as being a clear misreading of the response. In the last response it was clearly stated that the data transmission mode was only an example, and the comments also addressed the voice mode. The response stated, "Therefore, when the device detects that the signals are for data transmissions (see col. 9, lines 29-34) *or whichever mode*, only those resources that are needed are enabled, (*for an example, see the voice mode description* in col. 8, lines 19-25 in which only those resources needed are invoked, including the necessary PXDs through the DSP switchboards 32 or 32')."

Further, while Kwan may teach voice compression and echo cancellation, Kwan does not teach determining if they have been enabled and then disabling them as needed. In Kwan, *only the needed PXDs are initialized*. Therefore, if the mode does not require echo

cancellation or voice compression, *these PxDs are not enabled and therefore would not require being disabled*. There is no reason in Kwan to check for the enablement of these PxDs and then disable them, therefore it would not be obvious to provide a functionality or process for something that is not needed or would ever be needed in that system to provide an 'efficient and robust integrated system.'.

In the office action, a response to an argument about the lack of motivation to combine references was made. However, the argument was directed to a lack of obviousness for detection and disablement of voice compression and echo cancellation in Kwan, there was not second reference. As discussed above, there is no reason in Kwan to determine if these functions have been enabled as they are not enabled if not needed.

In addition, the reference in Kwan relied upon for disablement is directed to disabling the ability of the device to receive faxes while faxes are being sent. See the Note on Fig. 21, "Only either the fax data transmitter or receiver is operating at any time," and the corresponding text, "The V.21 data pump 392 is selectively enabled/disabled 394c by the T.30 relay logic 394 in accordance with the reception/transmission of the T.30 messages or fax data signals." This has nothing to do with voice compression or echo cancellation, because there is no reason in Kwan to disable something that is not enabled if not needed.

Claims 1, 8, 12, 15 and 19 have been amended to more clearly require, "determining if voice compression, echo cancellation or both have been enabled; disabling voice compression, echo cancellation or both if enabled;" in claim 1; "determining if voice compression, echo cancellation or both are enabled; if voice compression, echo cancellation or both are enabled disabling same;" in claim 8; a pass-through invocation mechanism responsive to said tone detector to: determine if voice compression, echo cancellation or both have been enabled; and disable voice compression, echo cancellation or both if the same is determined to have been enabled;" in claim 12; instructions for determining if voice

compression, data cancellation or both are enabled; instruction for disabling voice compression, data cancellation or both if enabled;" in claim 15; and means for determining if voice compression, echo cancellation or both have been enabled; means for disabling voice compression, echo cancellation or both if the same is determined to have been enabled;" in claim 19.

In the response to arguments, there was a response directed to intended use. Applicant is confused by this argument, in that there was no argument presented with regard to the intended user. In the method claims of 1 and 8, and the claim 15, there are no mentions of intended user. In the apparatus claims of 12 and 19, there is a component that is capable of performing the intended use, as there is no mechanism in Kwan that determines if two features are enabled, as when Kwan originally receives a tone indicating a call, there is nothing enabled until the type of call is determined.

For these reasons, it is submitted that claims 1, 8, 12, 15 and 19 are patentably distinguishable over the prior art and allowance of these claims is requested.

The remaining claims all depend from the above independent claims. These claims inherently contain all of the limitations of their respective base claims. As discussed above, the prior art does not teach, show nor suggest all of the limitations of the base claim, much less the further embodiments of the dependent claims. It is therefore submitted that these claims are patentably distinguishable over the prior art and allowance of these claims is requested.

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & MCCOLLOM, P.C.

Julie L. Reed

Julie L. Reed
Reg. No. 35,349

210 SW Morrison St., Suite 400
Portland, OR 97204
503-222-3613